

Notice of Allowability

Application No.

09/890,155

Examiner

Marc A Patterson

Applicant(s)

FRISK ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/1/05.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 27 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 04222005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew Schneider on April 29, 2005.

The application has been amended as follows:

Delete the Abstract, which currently reads as follows:

A paper packaging container is formed from the packaging material comprising constitution layers of at least an outside thermoplastic material layer, a paper substrate layer, and an inside thermoplastic material layer, wherein the inside thermoplastic material layer contains at least a linear low density polyethylene, and has properties parameters of an average density of 0.900–0.930, a predetermined peak melting point, a melt flow index of 5–15, and a swelling ratio of 1.3–1.8.

The use of the packaging material allows easy filling and packaging to the packaging container and quick heat sealing, and results in more toughly and strongly sealed container, and the material can be used for achieved good sealing independently of the temperature of food contents and thus maintaining the non-scalping and quality preservability of the content product.

And substitute the Abstract as follows:

--A paper packaging container is formed from the packaging material comprising constitution layers of at least an outside thermoplastic material layer, a paper substrate layer, and an inside thermoplastic material layer, wherein the inside thermoplastic material layer contains at least a linear low density polyethylene, and has properties parameters of an average density of 0.900–0.930, a predetermined peak melting point, a melt flow index of 5–15, and a swelling ratio of 1.3–1.8. The use of the packaging material allows easy filling and packaging to the packaging container and quick heat sealing, and results in more toughly and strongly sealed container, and the material can be used for achieved good sealing independently of the temperature of food contents and thus maintaining the non-scalping and quality preservability of the content product.--

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record discloses a packaging material for making containers comprising an innermost layer containing linear low density polyethylene, but fails to disclose a linear low density having an thickness of 20 – 50 micrometer, but fails to disclose a linear low density polyethylene having an average density of 0.900 – 0.915 g/mL, a peak melting point of 88 degrees Celsius to 103 degrees Celsius, a melt flow index of 5 dg/min – 20 dg/min and a swelling ratio of 1.4 – 1.6.

Art Unit: 1772

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson
Marc A. Patterson, PhD.
Examiner
Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/2/05